

Green, LindaE

From: Talasi Brooks <tbrooks@advocateswest.org>
Sent: Wednesday, January 06, 2016 3:18 PM
To: FOIA HQ
Cc: Todd Tucci; Kristin Ruether
Subject: FOIA Request--EPA Approvals for Pesticide Labels
Attachments: FIFRA 24c FOIA.pdf

Please find attached a FOIA request regarding EPA approvals for certain pesticide labels, submitted on behalf of Western Watersheds Project. If you have any questions or concerns regarding this request, you may contact me at brooks@advocateswest.org or (208)342-7024 x208.

Thank you,

Talasi Brooks

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NOTICE: This communication may contain legally privileged and confidential information intended solely for the use of the addressee. If you have received this message in error, please notify the sender immediately and delete this message and all copies and backups thereof. Thank you.



ADVOCATES for the **West**
P.O. Box 1612 | Boise, ID 83701

January 6, 2016

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667
hq.foia@epa.gov

VIA EMAIL

Re: FOIA Request – FIFRA Special Local Need Label

Dear FOIA Officer:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, made on behalf of Western Watersheds Project (“WWP”). This FOIA request concerns the Special Local Need label issued under the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”) 24(c) and permitting Idaho Fish & Game employees and agents to use the chemical DRC-1339.

Pursuant to the FOIA, please send WWP copies of the following records:

1. All records related to EPA SLN No. ID-140005, including but not limited to records, communications, reports, applications and meeting notes.
2. All records related to Decision Number 509984 (related to LABEL AMENDMENT—PER REGISTRATION REVIEW FOR COMPOUND DRC-1339), including but not limited to records, communications, reports, applications and meeting notes.

If you have questions as to the scope of this request, please contact the undersigned. Any documents that the agency has in electronic format may be sent in that format on CD or DVD, or by email. If you believe any portion of this request is exempt from disclosure under FOIA please provide a brief description of each withheld document and the legal basis for withholding such document.

Under the FOIA, the EPA must make a determination on WWP’s request within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). A determination consists of a statement whether the agency will comply with the request, the reasons for any denial, and informs the requester of the right to appeal an adverse decision.

WWP requests a waiver of any search and copy costs related to the above request. WWP is a non-profit organization dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West. WWP has over 1500 members, including many members who live in Idaho. WWP and its members are active in trying to protect Idaho's birds and wildlife. To do so, WWP actively participates in agency decision-making concerning public lands throughout the West, particularly with respect to management of livestock grazing.

One of the core aspects of WWP's mission is to educate the public about the natural wonders of the West, and about land, resource and wildlife decisions made by government, private, and other entities that affect the natural environment and wildlife. WWP is effective at increasing public awareness of environmental matters, including predator control in Idaho, through public education and outreach, participation in administrative processes, litigation and other enforcement of federal environmental laws. As explained below, WWP meets the criteria for a fee waiver under FOIA.

The requested records concern government activities regarding wildlife management in Region 10. The information requested will help WWP and the public understand what effect predator control activities are having on ecosystems in Region 10, and whether all entities involved have complied with all statutory and regulatory requirements. The public has a great interest in preserving natural resources, and thus a great interest in determining whether federal agencies are making management decisions that protect these resources. The public also has an interest in knowing whether federal agencies are complying with all required standards and laws and properly managing public lands to protect publically-owned birds and wildlife that the state and federal governments manage as a trust for the people.

WWP will use the requested information to contribute to the public's understanding of predator control operations in Region 10 by analyzing the information and presenting it to the public. WWP has staff members who are familiar with agency practices and who have scientific backgrounds providing expertise in wildlife management. These staff have the expertise and capability to assess, analyze, and summarize the requested management and scientific documents and then use that information to inform the public about the effects of predator control activities on public lands. WWP has the ability to disseminate this information to the public both orally and in written form through reports, news articles, presentations, and lawsuit filings.

WWP uses the media to spread information to the public, with news articles appearing in papers across the West discussing WWP's work and issues with which WWP is involved. In addition to the media, WWP participates in conferences, where it disseminates information and reveals results of its studies, projects, and lawsuits to scientists, lawyers, conservationists, and other interested publics. It participates in educational outreach such as presentations to high school students, written reports on grazing impacts, and a regular newsletter discussing its current work. Finally, it also disseminates information through its website and Online Messengers (email notices), a Facebook page, and a Twitter account. *See* www.westernwatersheds.org. The website contains press articles, updates on WWP's current work and cases, information about government activities and management decisions, as well as research reports and scientific articles. Many of the reports and articles that WWP distributes at

conferences, on its website, and in its newsletter are based on information obtained through FOIA requests.

As one of the few organizations focusing on protection of public lands from the impacts of livestock grazing, WWP is an important hub of information for both its members and the general public who have an interest in the health and management of our public lands. The public can also find information about wildlife management activities related to perpetuating public lands grazing—such as predator control activities—on this website.

The disclosure of the requested documents to WWP will significantly contribute to public's understanding of government activities because these documents are not readily available to the public without such a request. These are not the type of documents the agency routinely publicizes or otherwise broadly disseminates to the public on a normal basis. Thus, a FOIA request is required to obtain the documents. In addition, WWP will use its skills and expertise to analyze these documents, which are often complex and difficult to understand without special training or experience, to assess EPA's approvals, whether compliance with applicable laws has been demonstrated, and the ecological effects of the permitted predator control activities. It is the product of this analysis that will significantly contribute to the public's understanding of whether the public wildlife resources are being properly managed. WWP's sole interest in requesting these documents is to further its mission of protecting birds and wildlife in the Interior West, and to educate its members and the general public to enable and empower them to advocate for this protection. WWP is a non-profit, public interest organization and has no commercial or profit interest in this information.

Please contact me before incurring any costs in excess of \$25.00. You may send communications or documents to WWP; c/o Talasi Brooks, Advocates for the West, P.O. Box 1612, Boise ID 83701. If you have any questions about this request, please feel free to contact me at (208)342-7024 x208, or by email at tbrooks@advocateswest.org. Thank you very much.

Sincerely,

/s/Talasi B. Brooks
Advocates for the West
On behalf of Western Watersheds Projects